

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT L. GELTZER, as Chapter 7
Trustee of HOWARD P. EFFRON,

Plaintiff,

v.

UTIX GROUP, INC.,

Defendant.

SDNY
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ELECTRONICALLY FILED

FILED: 11/28/07

Case No. 07-cv-02472 (RJS)

**CASE MANAGEMENT PLAN
AND SCHEDULING ORDER**

RICHARD J. SULLIVAN, District Judge:

At the conference before the Court held on November 28, 2007, this Case Management Plan and Scheduling Order was adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. The parties do not consent to a trial by Magistrate Judge, pursuant to 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.
3. No additional parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) will be completed not later than December 12, 2007.
6. All *fact* discovery is to be completed no later than ~~April 18, 2008~~. **March 14, 2008**
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 6 above:
 - a. Initial requests for production of documents to be served by December 21, 2007.
 - b. Interrogatories to be served by ~~January 31, 2008~~ **December 21, 2007**.
 - c. Depositions to be completed by ~~April 17, 2008~~ **March 14, 2008**.

- i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
 - iii. The parties agree to make their best efforts to have the first two depositions taken be those of debtor Howard Effron and Anthony Roth, former President and CEO of Utix Group, Inc. The parties further agree that if subsequent depositions are necessary, there shall be no distinction in the priority of deposition by reason of a deponent's status as a party or non-party.
- d. Requests to Admit to be served no later than ~~April 1, 2008~~. **March 10, 2008**
8. All *expert* disclosures, if any, including reports, production of underlying documents and depositions are to be completed by:
 - a. Experts of Plaintiff: ~~May 13, 2008~~. **March 28, 2008.**
 - b. Experts of Defendant: ~~June 13, 2008~~. **April 18, 2008.**
9. All discovery is to be completed no later than ~~June 20, 2008~~. **April 25, 2008**
10. The Court will schedule a post-discovery status conference (see ¶ 16) within three weeks of the close of all discovery. **(May 14, 2008 at 4:30)**
11. Pre-motion letters regarding dispositive motions, if any, are to be submitted no later than two weeks prior to the post-discovery status conference date listed in ¶ 16. In accord with this Court's Individual Rule 2.A, response letters thereto are to be submitted within three business days from service of the initial pre-motion letter. **Letters by May 1, 2008.**
12. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery. Accordingly, Counsel for the parties have discussed holding a settlement conference before a Magistrate Judge or the Southern District's Mediation Program and request:
 - a. Referral to a Magistrate Judge for settlement discussions.
- by early February 2008.
13. The parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 and Rule 26(a)(3). If this action is to be tried before a jury, proposed *voir dire*, jury instructions and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.
14. The parties have conferred and their present best estimate of the length of trial is 2-3 days.


TO BE COMPLETED BY THE COURT:

15. [Other directions to the parties:]

16. The post-discovery status conference is scheduled for May 14²⁰⁰⁸ at 4:30.

SO ORDERED.

DATED: New York, New York
November 28, 2007



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE